FIRST AMENDMENT

Bible Believers v. Wayne County Michigan, 6th Cir. 2015
Decided October 28, 2015

FACTS: This case occurred in Dearborn, Michigan, a suburb of Detroit in Wayne County. The population of about 100,000 is second only to New York City in the number of Arab-Americans who call Dearborn home. The Arab population includes both Christians and Muslims. Since 1996, the Arab International Festival had occurred every summer, with the principal purpose being to "promote cultural exchange." Over the course of three days, the festival has grown to have at least 300,000 attendees. There has been a history of a "diverse array of religious groups" requesting permission to set up booths on the grounds. There has also been a history of "certain Christian evangelists who preferred to roam free among the crowd and proselytize to a large number of Muslims who were typically in attendance each year."

In 2009, Dearborn PD began to enforce an "anti-leafletting policy" established by the event sponsor and ratified by the City. That practice was changed when it was the subject of a lawsuit and the court ruled that it improperly encroached on the First Amendment. Following that, the Wayne County Sheriff's Office took over responsibility for Festival security. The Bible Believers were one of the evangelical groups that attended the festival to spread their beliefs. They regularly engaged in street preaching and paraded around with banners and sign that included "overtly anti-Muslim sentiments."

In 2011, Israel (the group's leader) and followers attended the festival. On June 17, they were "directed to a protected area on the Festival grounds referred to as a 'free speech zone.'" When they returned on June 19, they were told the zone had been removed and it "would not be made available again." The group opted to walk the streets and sidewalks, spreading their message. (The crux of their message was that "Mohammed was a false prophet who lied to Muslims and that Muslims would be damned to hell if they failed to repent by rejecting Islam.") This message was "not well received by certain elements of the crowd." The Bible Believers alleged that they were assaulted by members of the crowd and that initially the WCSO did nothing, but ultimately "silenced the Bible Believers by kicking them out and requiring them to leave the Festival grounds." The Deputy Chief, in fact, personally arrested one of the Bible Believers.

The following year, the Bible Believers decided that they would return. Prior to the event, they sent a letter to the County and Sheriff Napoleon describing what had happened the prior year and informed the county of their expectations for 2012. The County responded and disagreed with the Bible Believers' interpretation of First Amendment law and the duties of law enforcement to protect the group. Specifically, it denied any "special relationship" between Israel and the WCSO, which required the latter to provide a "heightened measure of protection." The county's letter went on to remind the group that it could be "criminally accountable for conduct which has the

tendency to incite riotous behavior or otherwise disturb the peace." The County's letter indicated it felt no obligation to protect the group from the consequences of their speech.

During the same time, the Sheriff had circulated an operations plan which outlined how security for the 2012 event would be conducted. High on the list, the likelihood of a situation arising with the Bible Believers was discussed, particularly that the group would attempt to provoke the WCSO into actions that would discredit the agency. It was emphasized that the WCSO would not "abridge or deny anyone's Freedom of Speech, unless public safety becomes [a] paramount concern." A large number of WCSO personnel, both regular and reserve, approximately 70 total, were to be deployed to the event, more than those used at the World Series or a presidential visit.

The Bible Believers returned at about 5 p.m., on June 15, 2012, the first day of the Festival. To exercise their "sincerely held religious beliefs, they were 'compelled … to hurl words and display messages offensive to a predominantly Muslim crowd, many of whom were adolescents.'"[1] One of the group carried a "severed pig's head on a spike," to keep the Muslims "at bay," since they are "kind of petrified of that animal," according to Israel. Tensions arose as some of the youth became incensed at the group's preaching, but one of the young men told his friends to "quit giving them attention," and some of the boys dispersed.

Eventually, however, some of the Muslim youths "began to express their anger by throwing plastic bottles and other debris at the Bible Believers." (A video showed a deputy watching, but not intervening.) At one point, they were told by a deputy to stop using a megaphone as it violated city ordinance. A deputy did tell the youths to back up and did remove one for throwing a bottle. At that point, however, "all police presence and intervention dissipated…." For the next ten minutes, the group continued to preach, "all while a growing group of teenagers jeered and heckled, some throwing bottles and others shouting profanities." A parent did step in and reprimand one of the youths. "The onslaught reached its climax when a few kids began throwing larger items such as milk crates." The Bible Believers then stopped speechmaking. However, a "number of debates spawned between members of the crowd (which had continued to swell) and individual Bible Believers." A few minutes later, four mounted officers rode by, momentarily quieting the crowd. The crowd stayed quiet until the police and a news crew left, and then the Bible Believers were again assaulted by flying debris. They turned away and moved throw the crowd, followed by a "large contingent of children" who continued to throw smaller items at the group. The torrent died down once the group settled in another location. Israel suffered a small laceration.

[1] Signs included the following messages: "Islam Is A Religion of Blood and Murder" "Jesus Is the Way, the Truth and the Life. All Others Are Thieves and Robbers" "Prepare to Meet Thy God – Amos 4:12" "Jesus Is the Judge, Therefore Repent, Be Converted That Your Sins May Be Blotted Out" "Trust Jesus, Repent and Believe in Jesus" "Only Jesus Christ Can Save You From Sin and Hell" "Turn or Burn" "Fear God"

When a deputy appeared, the "children's belligerence and the assaultive behavior again ceased." The deputy told them to move and they complied. The deputy told Israel that he was a "danger to public safety" and that the WCSO did not have enough manpower to ensure their safety. He gave the group the option to leave, although Israel pled for "some sort of police presence" in the general vicinity to allow them to remain. When the deputy left, the "bottle throwing resumed." Moments later deputies arrived and Israel was told the group would be escorted out of the festival grounds. Israel refused, arguing for the opportunity to continue to walk and preach. Deputy Chief Richardson told him that the Bible Believers' actions were causing the disturbance "and it is a direct threat to the safety of everyone" at the festival. Israel argued that the problem only occurred when the police were not present and that the bottle-throwing had occurred even when they were simply carrying signs and not speaking. After much give and take, Israel refused to leave unless he was faced with the prospect of being arrested. The Deputy Chief emphasized that the WCSO could not provide individual security for every group at the festival and that the Bible Believers needed to leave because their conduct was attracting a crowd. Richardson stated that they would probably be cited if they did not leave, and that they were being disorderly. To this, Israel "replied, incredulously, 'I would assume 200 angry Muslim children throwing bottles is more of a threat than a few guys with signs.'"

Upon further discussion with legal counsel, additional deputies arrived to surround the area where the Bible Believers had been secluded. Richardson confirmed that the members of the group would be cited if they did not leave and the group left, escorted by over a dozen deputies. Four mounted deputies were also present. The group got into a van and left, followed by WCSO. Within a few blocks, they were pulled over because they'd removed the license plate from the van before leaving the festival grounds. After 30 minutes, they were cited for that offense; by that time, eight deputies were present at the traffic stop.

In the post operation report of the day, the deputies noted that they "suggested" the group leave the grounds due to public safety and that they arrested any subjects seen throwing items. (The Court noted that "they apparently did not see very much," as only one citation, to an adult, was issued. Three juveniles were briefly detained but not charged.) Using video shot at the scene, the only police intervention was toward the Bible Believers, to stop using the megaphone. Nothing was done to "quell the violence," although whenever deputies appeared, the "agitated crowd became subdued and orderly."

The Bible Believers filed suit, under 42 U.S.C. §1983, against a number of parties. The defendants moved for summary judgement, which was ultimately granted by the District Court. The Bible Believers appealed and a three judge panel affirmed the summary judgement. The Bible Believers petitioned for an *en banc* rehearing before the entire Sixth Circuit.

ISSUE: May law enforcement allow a heckler's veto to occur?

HOLDING: No

DISCUSSION: The Court began:

> If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."[2]
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> "Nowhere is this [First Amendment] shield more necessary than in our own country for a people composed [from such diverse backgrounds]."[3] Born from immigrants, our national identity is woven together from a mix of cultures and shaped by countless permutations of geography, race, national origin, religion, wealth, experience, and education. Rather than conform to a single notion of what it means to be an American, we are fiercely individualistic as a people, despite the common threads that bind us. This diversity contributes to our capacity to hold a broad array of opinions on an incalculable number of topics. It is our freedom as Americans, particularly the freedom of speech, which generally allows us to express our views without fear of government sanction.
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> Diversity, in viewpoints and among cultures, is not always easy. An inability or a general unwillingness to understand new or differing points of view may breed fear, distrust, and even loathing. But it "is the function of speech to free men from the bondage of irrational fears."[4] Robust discourse, including the exchanging of ideas, may lead to a better understanding (or even an appreciation) of the people whose views we once feared simply because they appeared foreign to our own exposure. But even when communication fails to bridge the gap in understanding, or when understanding fails to heal the divide between us, the First Amendment demands that we tolerate the viewpoints of others with whom we may disagree. If the Constitution were to allow for the suppression of minority or disfavored views, the democratic process would become imperiled through the corrosion of our individual freedom. Because "[t]he right to speak freely and to promote diversity of ideas . . . is . . . one of the chief distinctions that sets us apart from totalitarian regimes," dissent is an essential ingredient of our political process.[5]
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> The First Amendment "may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger." If we are not persuaded by the contents of another's speech, "the remedy to be applied is more speech, not enforced silence."[6] And

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[2] Snyder v. Phelps, 562 U.S. 443, 458 (2011)
[3] Cantwell v. Connecticut, 310 U.S. 296 (1940).
[4] Whitney v. California, 274 U.S. 357 (1927).
[5] Terminiello v. City of Chicago, 337 U.S. 1 (1949).
[6] Whitney, supra.

> although not all manner of speech is protected, generally, we interpret the First Amendment broadly so as to favor allowing more speech.[7]

The Court began its discussion by noting that "free-speech claims require a three-step inquiry: first, we determine whether the speech at issue is afforded constitutional protection; second, we examine the nature of the forum where the speech was made; and third, we assess whether the government's action in shutting off the speech was legitimate, in light of the applicable standard of review.'[8] The parties had agreed that the Festival area was a "traditional public forum available to all forms of protected expression." The Court agreed that the First Amendment "offers sweeping protection that allows all manner of speech to enter the marketplace of ideas." The protections apply "to loathsome and unpopular speech with the same force as it does to speech that is celebrated and widely accepted." It applies to both the minority view as well as the majority view and in fact includes" expressive behavior that is deemed distasteful and highly offensive to the vast majority of people, that most often needs protection under the First Amendment."[9] The answer to speech that is "offensive, thoughtless, or baseless …that we believe to be untrue" is always "more speech."[10]

However, the Court agreed, "not all speech is entitled to its sanctuary." The Court addressed two forms of expression that "have particular relevance to the interaction between offensive speakers and hostile crowds": "incitement to violence" (also known as "incitement to riot") and "fighting words." Incitement includes "advocacy for the use of force or lawless behavior intent, and imminence," and the Court found all to be absent from the facts. "Disparaging the views of another to support one's own cause is protected by the First Amendment." The Court remarked that it would be rare to find enough evidence to even send such a case to the jury. The County pointed to Feiner v. New York, for the idea that when a crowd "becomes restless," and begins to "mill

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[7] See Cox v. Louisiana, 379 U.S. 536 (1965) ("[W]hen passing on the validity of a regulation of conduct, which may indirectly infringe on free speech, this Court . . . weigh[s] the circumstances in order to protect, not to destroy, freedom of speech." (internal quotation marks omitted)) (Black, J., concurring).

[8] Cornelius v. NAACP Legal Def. & Educ. Fund, Inc., 473 U.S. 788 (1985); Saieg, 641 F.3d at 734–35.

[9] See, e.g., Nat'l Socialist Party of Am. v. Vill. of Skokie, 432 U.S. 43 (1977) (recognizing First Amendment rights of Neo Nazis seeking to march with swastikas and to distribute racist and anti-Semitic propaganda in a predominantly Jewish community); Brandenburg v. Ohio, 395 U.S. 444 (1969) (recognizing the First Amendment rights of Ku Klux Klan members to advocate for white supremacy-based political reform achieved through violent means); Texas v. Johnson, 491 U.S. 397 (1989) (recognizing flag burning as a form of political expression protected by the First Amendment); Snyder, 562 U.S. 443 (2011) (recognizing a religious sect's right to picket military funerals). "[I]f it is the speaker's opinion that gives offense, that consequence is a reason for according it constitutional protection." Hustler Magazine, Inc. v. Falwell, 485 U.S. 46, 55 (1988) (citation omitted). Religious views are no different. "After all, much political and religious speech might be perceived as offensive to some." Morse v. Frederick, 551 U.S. 393 (2007). Accordingly, "[t]he right to free speech . . . includes the right to attempt to persuade others to change their views, and may not be curtailed simply because the speaker's message may be offensive to his audience." Hill v. Colorado, 530 U.S. 703 (2000). Any other rule "would effectively empower a majority to silence dissidents simply as a matter of personal predilections," Cohen v. California, 403 U.S. 15 (1971), and the government might be inclined to "regulate" offensive speech as "a convenient guise for banning the expression of unpopular views."

[10] Williams-Yulee v. Fla. Bar, 135 S. Ct. 1656 (2015)

around," stopping the speech is permitted.[11] The Court agreed that since the Bible Believers "did not ask their audience to rise up in arms and fight for their beliefs," that Feiner and Glasson v. City of Louisville[12] did not apply. Later Supreme Court rulings had deviated from Feiner.[13] Instead, the Court has looked to Brandenburg as "establishing the test for incitement" and noted that the "Bible Believers' speech was not incitement to riot simply because they did not utter a single word that can be perceived as encouraging violence or lawlessness."

With respect to "fighting words," which "encompasses words that when spoken aloud instantly "inflict injury or tend to incite an immediate breach of the peace,"[14] the objective standard is applied - "no advocacy can constitute fighting words unless it is 'likely to provoke the average person to retaliation.'"[15] Generally, "offensive statements made generally to a crowd are not excluded from First Amendment protection; the insult or offense must be directed specifically at an individual."[16] Since the Bible Believers were not directing speech at individuals, it cannot be construed as fighting words, nor did most of the listeners react with violence.

In a public fora, as this was acknowledged by all to be, the "government's rights to 'limit expressive activity are sharply circumscribed.'"[17] Speech restrictions can fall under two different categories: "content-based restrictions or time, place, and manner restrictions that are content-neutral."[18] For the latter, the listener's reaction cannot be the basis for regulating the speech.[19] The county's actions, however, in this case, were "decidedly content-based," as evidenced by the statements made by members of the WCSO's staff. Their contention that their only consideration was public safety failed "in the face of abundant evidence that the police have effectuated a heckler's veto." Although the written plan may have been content-neutral, the "the officers enforcing it are ordained with broad discretion to determine, based on listener reaction, that a particular expressive activity is creating a public danger."[20] The Court noted: "if the statute, as read by the police officers on the scene, would allow or disallow speech depending on the reaction of the audience, then the ordinance would run afoul of an independent

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[11] Feiner v. New York, 340 U.S. 315 (1951),

[12] 518 F.2d 899 (6th Cir. 1975)

[13] See, e.g., U.S. v. Williams, 553 U.S. 285(2008) ("To be sure, there remains an important distinction between a proposal to engage in illegal activity and the abstract advocacy of illegality."); NAACP v. Claiborne Hardware Co., 458 U.S. 886 (1982) ("[T]he mere abstract teaching . . . of the moral propriety or even moral necessity for a resort to force and violence, is not the same as preparing a group for violent action and steeling it to such action." (citation omitted)); Communist Party of Ind. v. Whitcomb, 414 U.S. 441 (1974)/

[14] Chaplinsky v. New Hampshire, 315 U.S. 568 (1942); see also Sandul v. Larion, 119 F.3d 1250 (6th Cir. 1997).

[15] Street v. New York, 394 U.S. 576 (1969)

[16] R.A.V. v. City of St. Paul, 505 U.S. 377 (1992).

[17] Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983); see also Frisby v. Schultz, 487 U.S. 474(1988).

[18] U.S. v. Grace, 461 U.S. 171, 177 (1983).

[19] Forsyth Cty. v. Nationalist Movement, 505 U.S. 123 (1992), or for taking an enforcement action against a peaceful speaker. See Brown v. Louisiana, 383 U.S. 131 (1966).

[20] Police Dep't of Chi. v. Mosley, 408 U.S. 92 (1972) see also Ctr. for Bio-Ethical Reform, Inc. v. L.A. Cty. Sheriff Dep't, 533 F.3d 780 (9th Cir. 2008).

species of prohibitions on content-restrictive regulations, often described as a First Amendment-based ban on the 'heckler's veto.'"[21]

The Court continued:

> It is a fundamental precept of the First Amendment that the government cannot favor the rights of one private speaker over those of another.[22] Accordingly, content-based restrictions on constitutionally protected speech are anathema to the First Amendment and are deemed "presumptively invalid."[23] An especially "egregious" form of content-based discrimination is that which is designed to exclude a particular point of view from the marketplace of ideas.[24] The heckler's veto is precisely that type of odious viewpoint discrimination.[25]

The Court agreed that "both content- and viewpoint-based discrimination are subject to strict scrutiny."[26] No state action that limits protected speech will survive strict scrutiny unless the restriction is narrowly tailored to be the least-restrictive means available to serve a compelling government interest.[27] Punishing, removing, or by other means silencing a speaker due to crowd hostility will seldom, if ever, constitute the least restrictive means available to serve a legitimate government purpose.[28]

The Court traced the evolution of the law in this matter. From early cases that focused on the "clear and present danger" presented by the speech, to cases from the civil rights era in which it was emphasized there was a need to "protect the speaker." In the latter, the Court noted "police cannot punish a peaceful speaker as an easy alternative to dealing with a lawless crowd that is offended by what the speaker has to say. Because the "right 'peaceably to assemble, and to petition the Government for a redress of grievances' is specifically protected by the First Amendment," In Glasson, a "heckler's veto" case was decided, and noting that ""[a] police officer has the duty not to ratify and effectuate a heckler's veto nor may he join a moiling mob intent on suppressing ideas." In that case, instead of punishing a "rabble-rousing" crowd, the police took the easier route of taking the speaker's message, her sign, and destroying it instead. Notably, in that case, the Court did not even give the officers the defense of qualified immunity, finding that it was clearly established that "(1) it was the hecklers who posed the threat,

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[21] Bachellar v. Maryland, 397 U.S. 564 (1970).
[22] Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819 (1995).
[23] Ysursa v. Pocatello Educ. Ass'n, 555 U.S. 353 (2009).
[24] Rosenberger, 515 U.S. at 829; Perry Educ. Ass'n, 460 U.S. at 62 (Brennan, J., dissenting) ("Viewpoint discrimination is censorship in its purest form and government regulation that discriminates among viewpoints threatens the continued vitality of 'free speech.'").
[25] Police Dep't of Chicago v. Mosley, 408 U.S. 92 (1972) ("'[T]o deny this . . . group use of the streets because of their views . . . amounts . . . to an invidious discrimination.'" (quoting Cox, 379 U.S. at 581 (Black, J., concurring))).
[26] McCullen v. Coakley, 134 S. Ct. 2518 (2014).
[27] U.S. v. Playboy Entm't Grp. , 529 U.S. 803 (2000).
[28] Cantwell v. Connecticut, 310 U.S. 296 (1940); Terminiello, supra. Edwards v. South Carolina, 372 U.S. 229 (1963); Cox v. Louisiana, 379 U.S. 536 (1965); Gregory v. City of Chicago, 394 U.S. 125 (1969).

and not the speaker (if any threat existed at all); (2) a favorable number of other officers (relative to the size of the crowd) were nearby and available to assist if called upon; and (3) had that number of officers been insufficient to accomplish the task, reinforcements should have been called before they chose to take action against the speaker."

The Court stated that the string of prior decisions indicated that "constitutional rights may not be denied simply because of hostility to their assertion or exercise. This rule allowed for police to be free from damages even when they silence the speaker so long as they acted reasonably is derived from Justice Frankfurter's concurring opinion in Feiner.[29] If the speaker's message does not fall into one of the recognized categories of unprotected speech, the message does not lose its protection under the First Amendment due to the lawless reaction of those who hear it. Simply stated, the First Amendment does not permit a heckler's veto." The Court ruled that "to the extent that Glasson's good-faith defense may be interpreted as altering the substantive duties of a police officer not to effectuate a heckler's veto, it is overruled.[30]

Balancing the two interests, free speech and maintaining the peace, "the scale is heavily weighted in favor of the First Amendment."

> Maintenance of the peace should not be achieved at the expense of the free speech. The freedom to espouse sincerely held religious, political, or philosophical beliefs, especially in the face of hostile opposition, is too important to our democratic institution for it to be abridged simply due to the hostility of reactionary listeners who may be offended by a speaker's message. If the mere possibility of violence were allowed to dictate whether our views, when spoken aloud, are safeguarded by the Constitution, surely the myriad views that animate our discourse would be reduced to the "standardization of ideas . . . by . . . [the] dominant political or community groups." Democracy cannot survive such a deplorable result.

Further, silencing the speaker as an "expedient alternative" is not permitted, nor may "an officer sit idly on the sidelines," and then later claim that removal of the speaker was necessarily However, the "Constitution does not require that the officer "go down with the speaker" and an officer may retreat if lawless behavior presents a true risk to them. The Court noted that an officer has a "duty to enforce laws already enacted and to make arrests … for conduct already made criminal." Officers "may take any appropriate action to maintain law and order that does not destroy the right to free speech by indefinitely silencing the speaker."

In this case, the Court found that Wayne County had "not come close to meeting" its burden. Despite the number of officers assigned to the festival, they "were virtually nowhere to be found, save for a few brief appearances" – usually made to chastise the Bible Believers themselves, rather than the disorderly crowd. Enough officers were

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[29] See Niemotko v. Maryland, 340 U.S. 268 (1951) (Frankfurter, J., concurring and concurring in Feiner v. New York, 340 U.S. 315); Watson v. City of Memphis, 373 U.S. 526 (1963) (citations omitted).
[30] See Harlow v. Fitzgerald, 457 U.S. 800 (1982)"

"sufficiently unoccupied" that they were able to join a large group to remove the Bible Believers and to be present at the traffic stop. The Court found it inarguable that the sole result of a "a purportedly sincere effort to maintain peace among a group of rowdy youths is few verbal warnings and a single arrest." The Court pointed to measures that could have been taken: increasing police presence in the immediate vicinity, as was requested; erecting a barricade for free speech, as was requested; arresting or threatening to arrest more of the law breakers, as was also requested; or allowing the Bible Believers to speak from the already constructed barricade to which they were eventually secluded prior to being ejected from the Festival." The WCSO could have called for backup, "as they appear to have done when they decided to eject the Bible Believers from the Festival." The Court found it impossible to accept that that best course of action was to abridge constitutional rights, "when at the same time the lawless adolescents who caused the risk with their assaultive behavior were left unmolested."

The Court stated:

> Notably, a heckler's veto effectuated by the police will nearly always be susceptible to being reimagined and repackaged as a means for protecting the public, or the speaker himself, from actual or impending harm. After all, if the audience is sufficiently incensed by the speaker's message and responds aggressively or even violently thereto, one method of quelling that response would be to cut off the speech and eject the speaker whose words provoked the crowd's ire. Our point here is that before removing the speaker due to safety concerns, and thereby permanently cutting off his speech, the police must first make bona fide efforts to protect the speaker from the crowd's hostility by other, less restrictive means. Although Glasson made that requirement clear, and framed the removal of the speaker for his own protection as a last resort to be used only when defending the speaker "would unreasonably subject [officers] to violent retaliation and physical injury," the WCSO made no discernible efforts to fulfill this obligation.

Finally, the Court agreed that Wayne County also bore responsibility, since the Corporation Counsel (the "county attorney") was constantly acting in an advisory, even directive, role to the WCSO. The Attorney was clearly the "final authority to establish municipal policy." As such, the County was liable.

The Court concluded:

> From a constitutional standpoint, this should be an easy case to resolve. However, it is also easy to understand Dearborn's desire to host a joyous Festival celebrating the city's Arab heritage in an atmosphere that is free of hate and negative influences. But the answer to disagreeable speech is not violent retaliation by offended listeners or ratification of the heckler's veto through threat of arrest by the police. The adults who did not join in the assault on the Bible Believers knew that violence was not the answer; the parents who pulled their children away likewise recognized that the Bible Believers could simply be

> ignored; and a few adolescents, instead of hurling bottles, engaged in debate regarding the validity of the Bible Believers' message. Wayne County, however, through its Deputy Chiefs and Corporation Counsel, effectuated a constitutionally impermissible heckler's veto by allowing an angry mob of riotous adolescents to dictate what religious beliefs and opinions could and could not be expressed. This, the Constitution simply does not allow.

The Court reversed the grant of summary judgement and remanded the case back to the trial court for further proceedings.

Full Text of Decision: **http://www.ca6.uscourts.gov/opinions.pdf/15a0258p-06.pdf**